

ZFW
AF

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/496,600	
	Filing Date	February 2, 2000	
	First Named Inventor	Hang Zhang	
	Group Art Unit	2143	
	Examiner Name	Alina A. Boutah	
Total Number of Pages in This Submission	40	Attorney Docket No.	50325-0109

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Petition To Convert To a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, number of CD(s) _____	<input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard _____ _____
<input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks _____ _____	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Hickman Palermo Truong & Becker LLP John D. Henkhaus, Reg. No. 42,656
Signature	<i>John D. Henkhaus</i>
Date	1/4/06

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class: mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: _____			
Type or printed name	Darci Sakamoto		
Signature	<i>Darci Sakamoto</i>	Date	1/4/06

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No. 6479

Hang Zhang et al.

Group Art Unit No.: 2143

Serial No.: 09/496,600

Examiner: Alina A. Boutah

Filed: February 2, 2000

For: METHOD AND APPARATUS FOR BROWSING A MANAGEMENT
INFORMATION BASE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF ON APPEAL

Sir:

Further to the Notice of Appeal filed November 29, 2004, and in reply to the
Examiner's Answer mailed December 20, 2005, the Appellants hereby submit their reply
brief on appeal pursuant to 37 C.F.R. §1.193(b)(1).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal
Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents,
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on:

1/4/06

by:

Darci Sakamoto

Darci Sakamoto

REMARKS

I. Grouping of Claims: Claims 1-44 do not stand or fall together

The Examiner's Answer includes a Section entitled "Grouping of Claims." The substance of this section contends that "the rejection of Claims 1-44 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7)" This is incorrect.

Rule 37 CFR 1.192(c)(7) was removed and reserved (effective date September 13, 2004) and new Rule 37 CFR 41.37(c)(1) (effective date September 13, 2004) does not require an item under the heading "Grouping of Claims." Under the new rule, Appellants are no longer required to explicitly state that that groupings of claims stand or fall together. Rather, as stated in Rule 37 CFR 41.37(c)(1)(vii), "[w]hen multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone....Claims argued as a group should be placed under a subheading identifying the claims by number." Therefore, multiple claims subject to the same ground of rejection and argued as a group by appellant are to be treated as a grouping of claims. In other words, the claims within each grouping of claims separately argued by appellant stand or fall together, without the need for a statement of the grouping of claims.

The Appeal Brief filed January 27, 2005 and the Supplemental Appeal Brief filed herewith separately argues the following groups and, therefore, the claims within each group may stand or fall together:

(1) Claims 1-4, 7-10, 17-21, 28-40, 41, 43 and 44;

(2) Claims 5, 6, 21 and 22;

(3) Claims 11-16, 25-27 and 42; and

(4) Claims 23 and 24.

II. Appellants did not argue features that are not recited in the rejected claims

In the “Response to Argument” section (11) of the Answer, Examiner alleges that Appellants argued features that are not recited in rejected claims. Specifically, it is alleged that (1) “directly querying a router” and (2) “integration of an HTTP daemon into a packet router” are not recited in the claims. Appellants respectfully disagree.

(1) “directly querying a router”

In reference to Claim 1, for example, in stating that the cited references do not disclose, suggest or motivate “direct querying of a router MIB from a conventional browser” (e.g., page 8, first paragraph), Appellant is simply summarizing functionality of the claim that is clearly recited, albeit not in the same exact language as in the argument. It is surely understood by one skilled in the art, and probably by one not skilled in the art, that (a) receiving a connection of a Web browser to a router, and (b) receiving at the router a request message to obtain the current value of a MIB variable from the router to which the variable pertains is, functionally, directly querying a router.

To parse the claim language further,

(a) “receiving at the router” is direct communication, as opposed to receiving the communication via an intermediary server like the site server described in the Krishnamurthy reference and relied upon for the rejection;

(b) a “request message to obtain the current value of a MIB variable from the router...” is querying the router.

Thus, the *concept* of directly querying a router for a value of a MIB variable, from the same router to which the variable pertains, *is* recited in Claim 1, for example. Strict adherence to textual form should not overwhelm the semantic substance when interpreting claim language.

(2) “integration of an HTTP daemon into a packet router”

With respect to the statement in the Appeal Brief regarding “integration of an HTTP daemon into a network packet router” (e.g., page 9, last paragraph), note that each of independent Claims 1, 11, 17, 23, 24 and 31 recites one or more features associated with an HTTP daemon executed by and hosted within a network packet router. Therefore, Appellant is not arguing features that are not recited in the claims.

III. Appellants’ representatives mailing address is incorrect

The last page of the Answer presents an incorrect mailing address in association with Appellants’ representative of record. The correct address for Appellants’ representatives is as follows:

2055 Gateway Place, Suite 550
San Jose, California
95110-1089

IV. Conclusion

For the reasons indicated above and in the Appeal Brief filed January 27, 2005 and the Supplemental Appeal Brief filed herewith, all pending Claims 1-44 present subject matter that is patentable over the references of record, and are in condition for allowance¹.

¹ For the record, clerical errors have been recognized in independent Claims 1, 11, 17, 24 and 31, which apparently inadvertently carried over in all responses subsequent to the response filed March 5, 2004.

Therefore, Applicants respectfully request reversal of the final rejections expressed in the Office Action and reiterated in the Examiner's Answers.

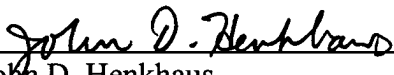
A petition for extension of time under 37 C.F.R. §1.136 to the extent necessary to make this paper timely filed is hereby made.

Throughout the pendency of this application the Commissioner is hereby authorized to charge any applicable fee, including extension of time fees, and to credit any overpayment to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Date: 1/4/06


John D. Henkhaus
Reg. No. 42,656

2055 Gateway Place, Suite 550
San Jose, California 95110-1089
Tel: (408) 414-1203
Fax: (408) 414-1076

Generally, clauses such as "in a managed network device in a network packet router" should read "in a network packet router" per the amendment of March 5, 2004. Appellants offer to correct these claims at the appropriate time prior to issuance of the application.